

REMARKS

Claims 1-32 were pending in the application. Upon entry of this Response, claims 6-13, 18-28 and 33-45 will be presented for examination, claims 1-5, 14-17 and 29-32 having been canceled in this paper, and new claims 33-45 having been added.

Minor informalities in the specification have been corrected, as indicated above.

The rejection under 35 USC § 112 is now moot in view of the cancellation of claims 1-5, 14-17 and 29-32.

Rejections under 35 USC § 103(a)

Claims 6-13 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,421,653 B1 ("May") in view of In re Harza, 124 USPQ 378, 380; 274 F.2d 669 (CCPA 1960).

As now clarifyingly amended, claim 6 is directed to an "apparatus for computerized trading" which includes "a first algorithm plug-in for implementing a first trading strategy", "a first market plug-in for carrying out trades in a first market", "an engine for providing services to said first algorithm plug-in and said first market plug-in, whereby said first algorithm plug-in and said first market plug-in are implemented in said engine in order to execute a trade", "a second algorithm plug-in for implementing a second trading strategy that is different from said first trading strategy", "a second market plug-in for carrying out trades in a second market that is different from said first market". Claim 6 further recites "whereby either of said second algorithm plug-in and said second market plug-in may be substituted for either of said first algorithm plug-in or said first market plug-in respectively, in said engine, in order to execute a trade, and wherein each of said plug-ins and said engine are comprised of one or more object classes".

Support for the recitation of first and second algorithm plug-ins for implementing mutually different trading strategies is found at page 9, lines 4-17 of the specification. Support

for the recitation of first and second market plug-ins for carrying out trades in mutually different markets is found at page 9, lines 4-10; page 9, line 17 to page 10, line 2; and page 8, line 21 to page 9, line 3 of the specification.

In explaining the pending rejection under § 103(a), the Examiner referred to disclosure in the May reference of Java applets to perform various trading functions. The Examiner further stated that plug-ins are art recognized equivalents of Java applets, and that it would have been obvious to substitute plug-ins for the Java applets of May to perform the trading functions described in May. In regard (apparently) to claim 6, the Examiner also stated that recitation in the claim of duplicate parts performing the same function would have been obvious, in view of the holding of In re Harza.

It is believed that the above-indicated clarification of claim 6 renders that claim patentable over the May reference, and that the rule of the Harza case is no longer applicable to claim 6. In particular, it is noted that the “second algorithm plug-in” as now recited in claim 6 is not a duplication of the “first algorithm plug-in”, since the first and second algorithm plug-ins are for implementing different trading strategies, and thus do not perform the same function. Moreover, in the invention as recited in claim 6, the provision of the two different algorithm plug-ins allows for efficient modification of trading software, and allows the trading engine to be readily reconfigurable to perform different trading strategies, thus enhancing the flexibility of the trading platform, as noted at page 19, lines 18-21 of the specification.

Applicants also note that the May reference does not disclose or suggest two algorithm plug-ins (or applets) for implementing mutually different trading strategies, and there is nothing about the Harza case that would lead one of ordinary skill to modify May’s system to include such two different algorithm plug-ins.

It is further noted that the “second market plug-in” as now recited in claim 6 is not a duplication of the “first market plug-in”, and that May does not disclose or suggest the two different market plug-ins now recited in claim 6.

Rejected independent method claim 18 has been clarifyingly amended in similar fashion to claim 6 and is believed to be patentable over the prior art relied upon by the Examiner on the

same basis as claim 6. Claims 7-13 and 19-28 are dependent on either claim 6 or claim 18 and are submitted as patentable on the same basis as their parent independent claims.

New claims

New claims 33-45 have been added in this paper. Claim 33 is an independent method claim directed to a “method for computerized trading” that includes “providing a plurality of algorithm plug-ins, each of the algorithm plug-ins for implementing a respective trading strategy from a plurality of trading strategies, all of the trading strategies being different from each other”, “providing a plurality of market plug-ins, each of the market plug-ins for implementing rules for a respective market from a plurality of markets, all of the markets being different from each other”, “selecting one of the algorithm plug-ins”, “selecting one of the market plug-ins”, “configuring an engine with the selected one of the algorithm plug-ins and with the selected one of the market plug-ins, the engine being for providing to the selected one of the algorithm plug-ins access to market data and for sending orders on behalf of the selected one of the algorithm plug-ins and for receiving notification of executions of orders on behalf of the selected one of the algorithm plug-ins” and “using the configured engine to carry out trades in accordance with the trading strategy implemented by the selected one of the algorithm plug-ins and in accordance with market rules implemented by the selected one of the market plug-ins”. Finally, claim 33 recites that “each of said plug-ins and said engine comprise one or more object classes”.

Support for the step of providing a plurality of algorithm plug-ins is found at FIGS. 1 and 2, and at page 7, lines 5-10 and page 11, lines 3-18 of the specification.

Support for the step of providing a plurality of market plug-ins is found at FIGS. 1 and 2, and at page 7, lines 12-15 and page 8, line 21 to page 9, line 3 of the specification.

Support for the step of selecting one of the algorithm plug-ins is found at FIGS. 1, 2, 4 and 6-9 and at page 8, lines 7-8 and page 9, lines 4-12 of the specification.

Support for the step of selecting one of the market plug-ins is found at FIGS. 1, 2, 7-9 and at page 8, line 21 of the specification.

Support for the step of configuring an engine is found at FIGS. 1, 2, 6 and 7 and at page 5, line 20 to page 6, line 1 and page 7, lines 19-23 of the specification.

Support for the step of using the configured engine to carry out trades is found at FIGS. 8 and 9 and at page 21, lines 12-14; page 5, line 22 to page 6, line 3 and page 9, line 10 to page 10, line 2 of the specification.

Support for the recitation that each plug-in and the engine comprise one or more object classes is found at page 6, lines 5-7 of the specification and in claims 1 and 6 as originally filed.

Claim 33 is believed to be patentable over the May reference and the other prior art of record. Considering specifically the May reference, that reference does not disclose any one of providing a plurality of different algorithm plug-ins, providing a plurality of different market plug-ins, selecting one of the algorithm plug-ins, selecting one of the market plug-ins, and configuring an engine with the selected one of the algorithm plug-ins and with the selected one of the market plug-ins. Moreover, the May reference does not provide the advantages in terms of flexible and convenient modification of a trading platform as is made possible with the plural different algorithm plug-ins and the plural different market plug-ins provided in accordance with the method of claim 33.

New claims 34-39 are dependent on claim 33 and are believed to be allowable for the same reasons as claim 33 as well as by virtue of the additional limitations recited in those claims.

Claim 34 recites that a first one of the market plug-ins implements a first limit on trading volume and a second one of the market plug-ins implements a second limit on trading volume that is different from the first limit. Support for this recitation is found at page 8, line 21 to page 9, line 1 of the specification.

Claims 35-37 recite specifics in regard to trading strategies implemented by the algorithm plug-ins. Support for these specific trading strategies are found at page 8, lines 7-20 and page 11, lines 3-18 of the specification.

Claim 38 recites parameterizing the selected one of the algorithm plug-ins. Support for this recitation is found at page 9, lines 12-13 of the specification.

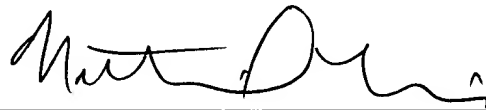
Claim 39 recites selecting an algorithm plug-in by selecting a selection from a pull-down menu. Support for this recitation is found at page 11 of the specification and at FIG. 4.

New claims 40 and 45 are respectively independent apparatus and article of manufacture claims that are parallel to claim 33, and are believed to be allowable for the same reasons as claim 33. New claims 41-44 are dependent on claim 40 and are submitted as patentable on the same basis as claim 40 as well as by virtue of the additional limitations recited in those claims. Support for claims 41-44 is to be found as indicated in connection with the corresponding dependent claims of claim 33.

Conclusion

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,



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